

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**LUPERCAL, LLC,**

Plaintiff

v.

**REGIONS BANK,**

Defendant

**Case No. 6:21-cv-00801**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Lupercal, LLC (“Lupercal” or “Plaintiff”) files this Complaint for patent infringement against Defendant Regions Bank. (“Regions” or “Defendant”), and alleges as follows:

**PARTIES**

1. Lupercal is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in Dallas, Texas.

2. Upon information and belief, Defendant Regions Bank is a corporation organized and existing under the laws of Delaware with a principal place of business located at 100 Congress Avenue, Suite 150 Austin, Texas 78701.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a)

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District

6. Venue is proper in this District under 28 U.S.C. § 1400(b), because Defendant has committed acts of patent infringement in this District and has an established place of business in this District. In addition, Plaintiff has suffered harm in this District.

**COUNT I**  
**(Infringement of U.S. Patent No. 9,386,094)**

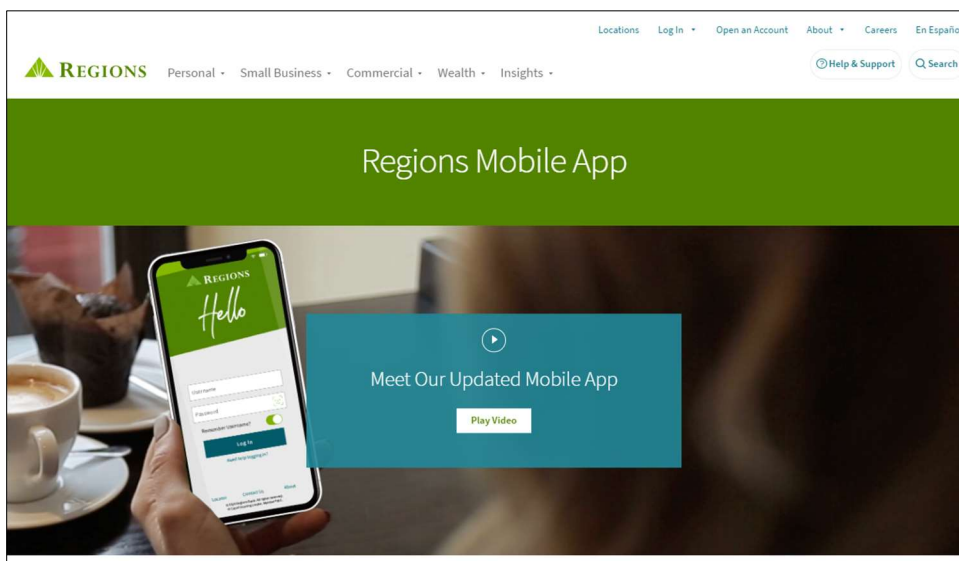
7. Lupercal incorporates paragraphs 1 through 6 as though fully set forth herein.

8. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,386,094 (the “’094 Patent”), entitled SYSTEM AND METHOD FOR MEDIA SUBMISSION, which issued on July 5, 2016.

9. The ’094 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

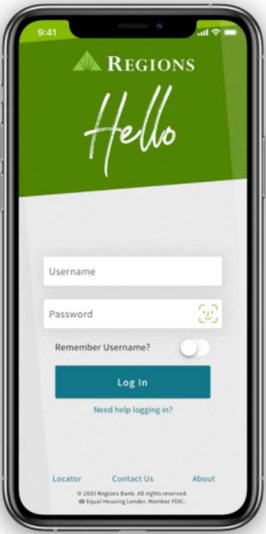
10. Defendant controlled activities related to the development, operation, promotion, and encouragement of the use of the Regions Mobile App (the “Regions App”).

11. Defendant provided the Regions Mobile App for use with Apple iOS devices and Android devices, which was available for download from Apple’s iTunes App Store and Google Play Apps:



#### Simple, Secure Banking On the Go

- Securely log in with fingerprint or facial recognition
- View account and routing numbers
- Transfer funds between Regions accounts
- Quickly deposit checks and move money
- Send money to your family or friends with Zelle®<sup>4</sup>
- Pay bills with Regions Bill Pay
- Access Services such as Regions LockIt, Open an Account and Activate a Card
- Set up alerts
- View and activate Rewards
- Schedule a Regions banker appointment
- Locate the nearest Regions branch, ATM or VTM





The image shows a smartphone displaying the Regions mobile app login screen. At the top, the Regions logo is above a green banner with the word "Hello" in white script. Below the banner are input fields for "Username" and "Password", a "Remember Username?" toggle switch, and a blue "Log In" button. A link "Need help logging in?" is below the button. At the bottom, there are links for "Locator", "Contact Us", and "About". Small text at the very bottom reads: "© 2021 Regions Bank. All rights reserved. All Rights Reserved. Regions Bank. Member FDIC."

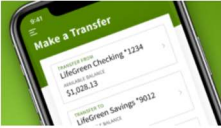
We're excited to release a fresh design with the same great features and functionality. We've created convenient ways for you to:

- securely log in with fingerprint or facial recognition,
- reset password, retrieve username or enroll in Online Banking,
- use one app for phone or tablet,
- set up alerts,
- swipe or tap to find things fast,
- quickly view account and routing numbers,
- use enhanced accessibility features for VoiceOver and TalkBack,

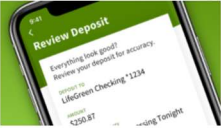
and much more, all with a fresh approach to favorite features. Download the app:



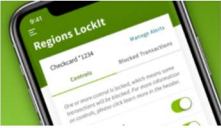
Take a look at a few of our popular features




[Easily Move Money](#)



[Make Mobile Deposits](#)



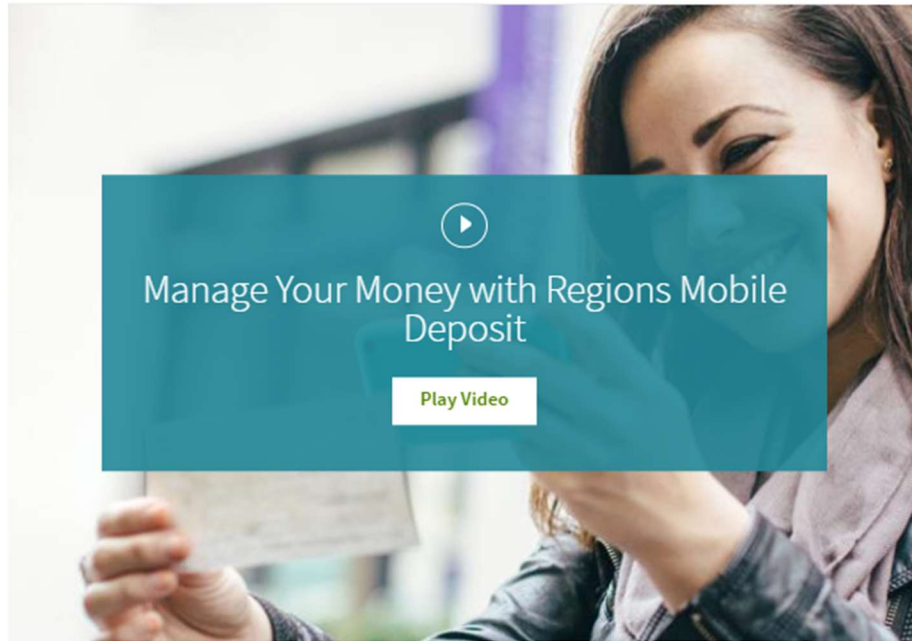
[Lock and Unlock Cards](#)



[Set Up Alerts](#)

## Mobile Deposit

*Mobile Banking*



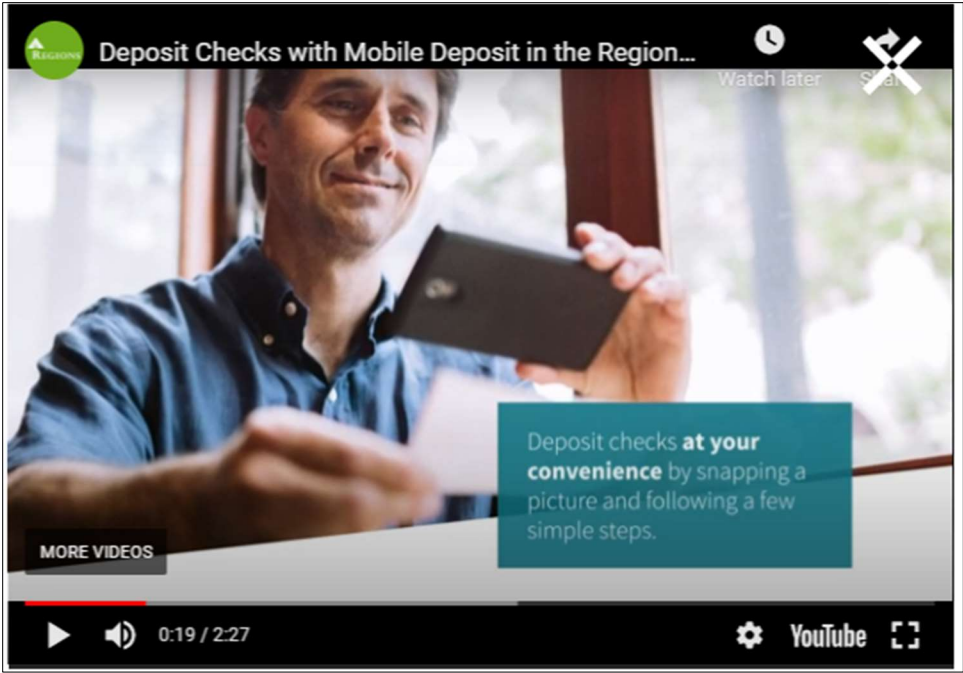
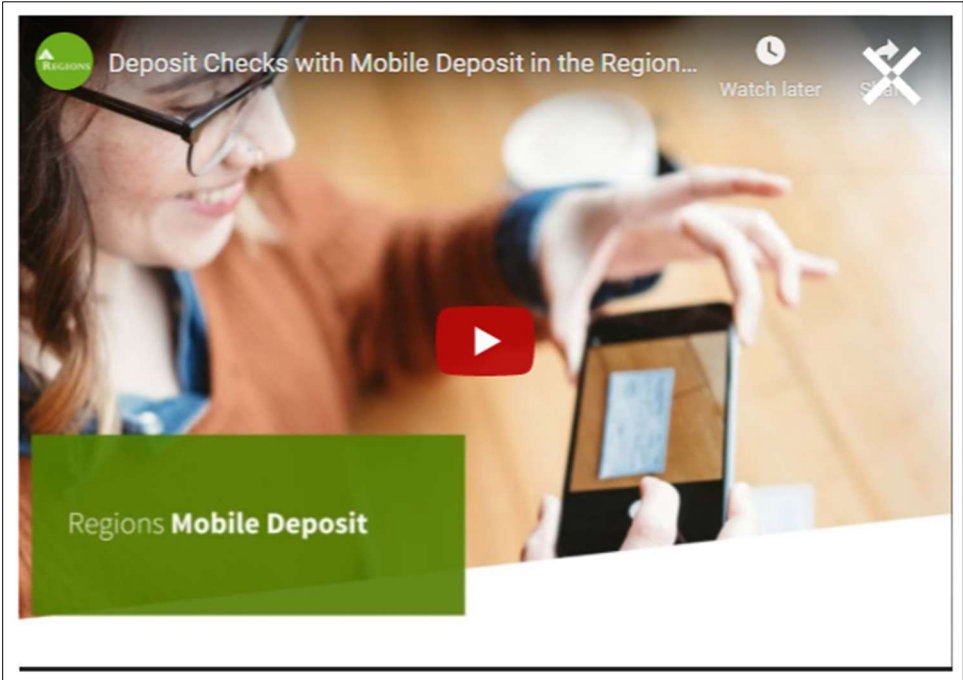
Use the Regions Mobile App to deposit funds into your Regions checking, savings and money market accounts, or load your Regions Now Card.<sup>1</sup>

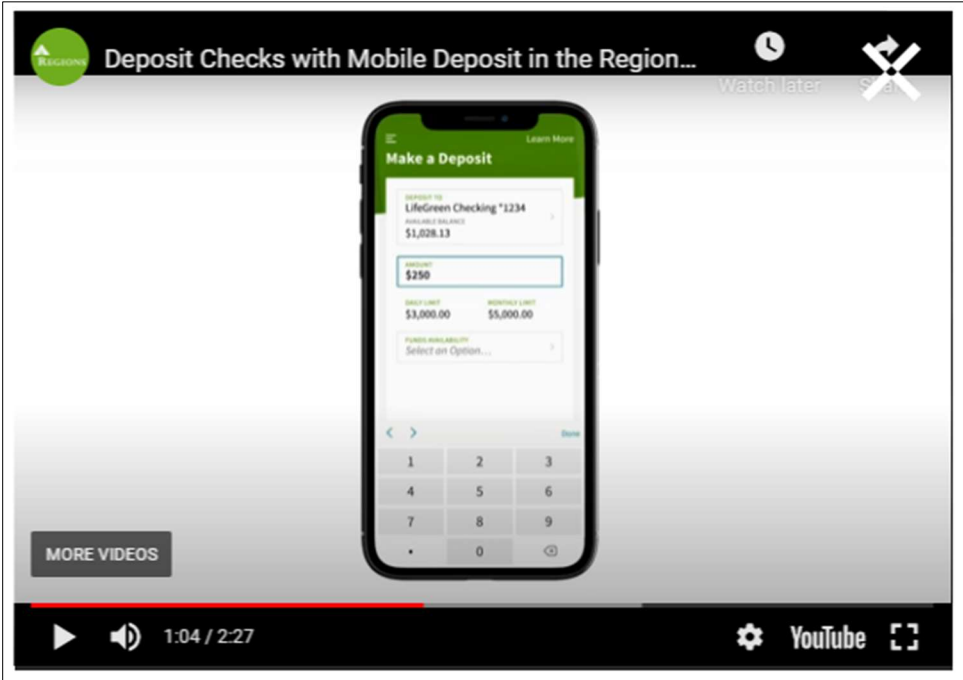
**Follow these easy steps to use Regions Mobile Deposit:<sup>5</sup>**

1. To make deposits, you'll be asked to enable access to your location while using the app, and access to your camera in order to capture check images.
2. From the **Accounts** screen, navigate to the main menu. You can swipe right, or select the menu icon.
3. **Learn More** offers tips and information on the mobile deposit process.
4. To start a deposit, choose the account where you want to deposit the check.
5. Enter the check amount.
6. And, choose how soon you want to access your funds. We offer two availability options:

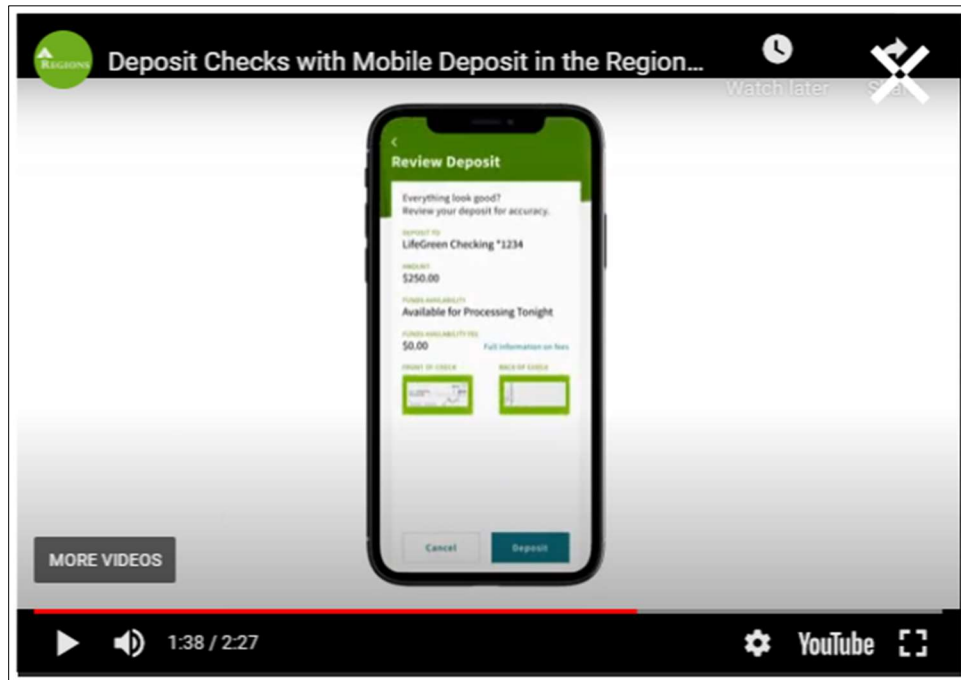
Available for Processing Tonight, at no charge.

And Available Immediately for a fee of one to four percent of the check amount, with a five-dollar minimum.
7. Sign the back of your check and write "For Regions Mobile Deposit Only." And, if available, check the box that reads "Check here if mobile deposit."
8. Next, take a picture of your check front and back – the app will guide you through the process.
9. Review the deposit for accuracy. To continue, select **Deposit**.

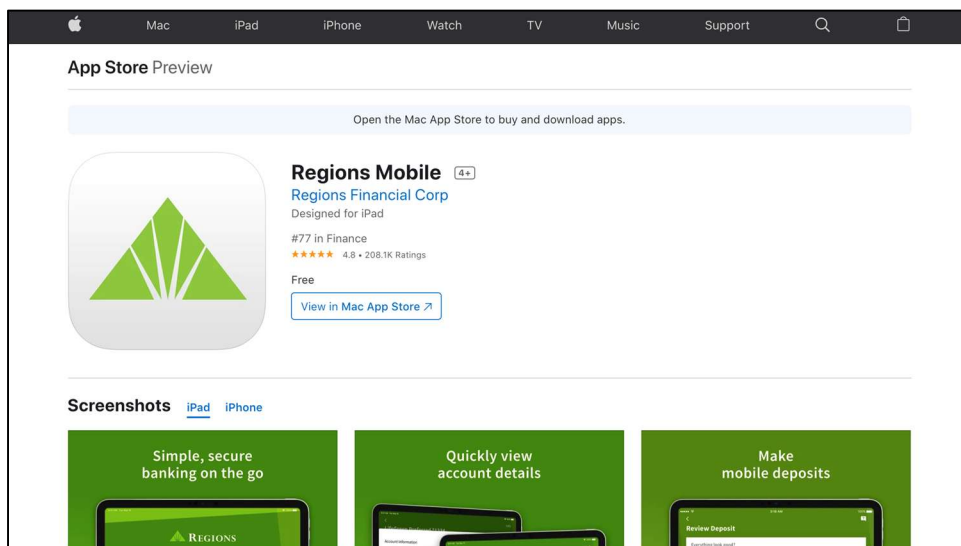




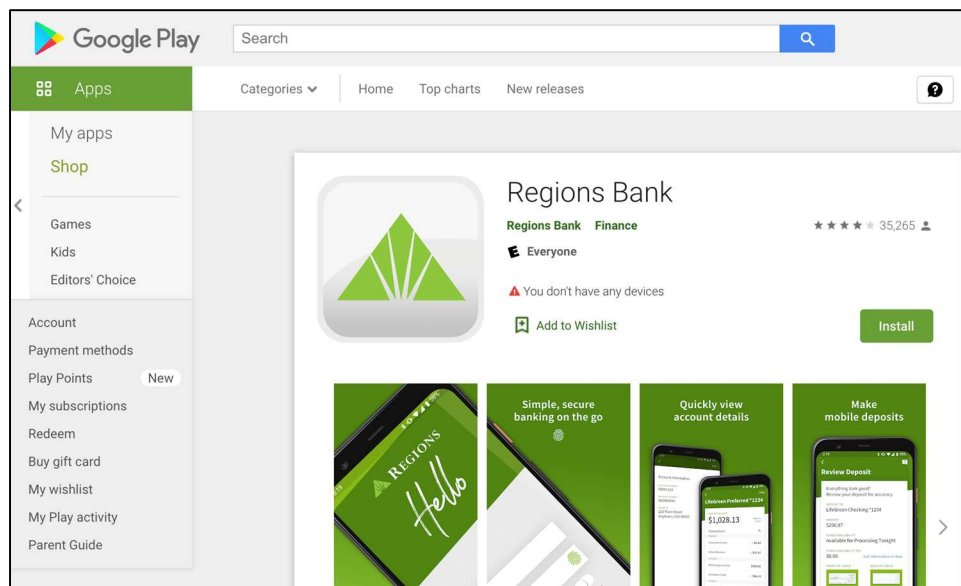




[Bank Anywhere with our Easy & Secure Mobile App | Regions](#)



<https://apps.apple.com/us/app/regions-mobile/id417970539>



[https://play.google.com/store/apps/details?id=com.regions.mobbanking&hl=en\\_US&gl=US](https://play.google.com/store/apps/details?id=com.regions.mobbanking&hl=en_US&gl=US)

12. After selecting an account to deposit the check to, the user enters the amount of the check.

13. The Regions Mobile App enables account holders to deposit checks electronically by taking a photo of the front and back of the check. After selecting an account to deposit the check to, the user enters the amount of the check.

14. The photo of the front and back is manually taken by the user – as a result, the images produced may be blurry or otherwise undesirable, and the application enables the user to retake a given photo (front or back). A visual representation of the photos is displayed on the screen.

15. Upon being accepted by the user (via the Regions Mobile App), the application pre-processes the front and back images to produce front and back pre-processed images that is controlled by one or more preprocessing parameters received from a device (e.g., a server used to download the Regions Mobile App) separate from the user device (user's smart phone) in a

conversion of the one or more images or the one or more replacement images as specified for use by a receiving party.

16. Defendant controlled the operation and use of the Regions Mobile App and encourages its customers to use the Schwab Mobile App to deposit checks to the customer's accounts with Defendant. The Defendant's Regions Mobile App is the Accused Instrumentality through which Defendant and its customers infringe the '094 Patent.

17. At least by developing, distributing, operating, promoting, and encouraging the use of the Regions Mobile App, Defendant encourages its customers to use the Regions Mobile App to practice the claimed methods, which Defendant controlled the use of and derives a direct benefit and profit from.

18. Upon information and belief, defendant has infringed and continues to infringe one or more claims, including claim 42, of the '094 Patent by developing, distributing, operating, promoting, and encouraging the use of the Schwab Mobile App in the United States without authority. Defendant has infringed and continues to infringe the '094 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.

19. Defendant has been on notice of the '094 Patent at least as early as January 14, 2019 when it received a notice letter, which included a claim chart comparing the '094 Patent claims to the Regions Mobile App.

20. Claim 42 recites:

42. A computer implemented method performed by an image submission tool on a user device, comprising:

causing the image submission tool to generate a visual representation of  
one or more images, the visual representation enabling a user to

determine whether the one or more images should be replaced with one or more replacement images;

causing the image submission tool to enable a user to enter text information for association with the one or more images or the one or more replacement images;

causing the image submission tool to pre-process the one or more images or the one or more replacement images to produce one or more pre-processed images, the pre-processing by the image submission tool controlled by one or more pre-processing parameters received from a device separate from the user device in a conversion of the one or more images or the one or more replacement images as specified for use by a receiving party;

causing the image submission tool to enable a user to submit the one or more pre-processed images; and

causing the image submission tool to transmit the one or more pre-processed images.

21. As indicated above, the Schwab Mobile App enables account holders to deposit check electronically by taking a photo of the front and back of the check. After selecting an account to deposit the check to, the user enters the amount of the check.

22. More particularly, the Schwab Mobile App is a computer implemented method performed by an image submission tool on a user device.

23. In the process of using the Schwab Mobile App, the computer implemented method causes the image submission tool to generate a visual representation of one or more images, the

visual representation enabling a user to determine whether the one or more images should be replaced with one or more replacement images.

24. In the process of using the Schwab Mobile App, the computer implemented method causes the image submission tool to enable a user to enter text information for association with the one or more images or the one or more replacement images.

25. In the process of using the Schwab Mobile App, the computer implemented method causes the image submission tool to pre-process the one or more images or the one or more replacement images to produce one or more pre-processed images, the pre-processing by the image submission tool controlled by one or more pre-processing parameters received from a device separate from the user device in a conversion of the one or more images or the one or more replacement images as specified for use by a receiving party.

26. In the process of using the Schwab Mobile App, the computer implemented method causes the image submission tool to enable a user to submit the one or more pre-processed images.

27. In the process of using the Schwab Mobile App, the computer implemented method causes the image submission tool to transmit the one or more pre-processed images.

28. Lupercal has been damaged by Defendant's infringing activities.

29. Lupercal has been damaged by Defendant's infringing activities.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against the Defendant:

1. declaring that the Defendan has infringed the '094 Patent;
2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '094 Patent;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and

4. granting Plaintiff such further relief as the Court finds appropriate.

**JURY DEMAND**

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: August 3, 2021

Respectfully submitted,

/s/ Raymond W. Mort, III

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**ATTORNEYS FOR PLAINTIFF  
LUPERCAL, LLC**